

Frequently Asked Questions (FAQs)
About FCC Form 477
(Local Competition and Broadband Reporting)

Updated as of: 2/1/02

(NOTE: These FAQs provide information to clarify particular points in the Instructions for FCC Form 477. They are not a substitute for the Instructions, which are available at www.fcc.gov/formpage.html.)

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Filing procedures

1. Can I get an extension of the filing date?

Entities required to file Form 477 should file by the filing due date and make a revised filing if significantly different data become available after that date. (What constitutes significantly different data is discussed in section IV.D. of the Instructions.) The Commission's rules at 47 CFR 1.46(a),(c) apply to this data collection. 47 CFR 1.46(a) states: "It is the policy of the Commission that extensions of time shall not be routinely granted." 47 CFR 1.46(c) states: "If a motion for extension of time in which to make filings . . . is filed less than 7 days prior to the filing day, the party filing the motion shall . . . orally notify . . . the Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed."

2. Are there penalties for not filing Form 477?

Entities that are required to file Form 477 but fail to do so may be subject to the enforcement provisions of the Communications Act and any other applicable law. In particular, the Commission has authority pursuant to sections 502 and 503 of the Communications Act to enforce compliance by fine or forfeiture.

3. Is there a fee associated with filing Form 477?

No.

4. What is the Certification Statement and how do I file it?

The Certification Statement is the single page that constitutes Section V of the Instructions for the Local Competition and Broadband Reporting Form, Form 477. (You can download the Instructions from www.fcc.gov/formpage.html.) Filers must submit the completed Certification Statement – which must be signed, in ink, by an officer of the filer of one of the legal entities whose data are being reported – as specified in Section IV of Instructions. The Certification Statement may be delivered by United States Postal Service (USPS), or by hand, messenger, or non-USPS overnight delivery service. See Section IV of Instructions for the specific delivery addresses to use for each of these alternatives. (Also see Section IV of Instructions concerning methods of filing completed Form 477s, in electronic format. Filers are encouraged to file completed Form 477s as attachments to one or more e-mail messages sent to an address established uniquely for this purpose (FCC477@fcc.gov). Filers must indicate, by checking ONLY one of the alternative delivery methods at the top of the Certification Statement, the (single) method used to submit completed Form 477s. Filers should not submit paper copies of completed Form 477s.)

5. May a single Certification Statement cover multiple Form 477s (e.g., for multiple states; for non-ILEC and ILEC operations; for multiple operations in a single state; for complete and redacted data)?

Yes. A single Certification Statement covers the precise number of Form 477s (i.e., individual spreadsheet files) that you specify on the Certification Statement next to “Number of files provided for this reporting period.”

6. May the same person sign the Certification Statement and also be identified on it as the Contact Person for the filing?

The officer who signs the Certification Statement may also be the Contact Person for the filing. In that case, Commission staff will contact that officer if there are any follow-up questions about details of the filing.

7. May I submit the Certification Statement electronically to the FCC?

No; see FAQ #4. Also, filers may not cut-and-paste or otherwise incorporate, in any way, an electronic version of the Certification Statement into the Excel 97 (preferred), or the Generic/WK4, spreadsheets that contain completed Form 477s.

8. May I file a paper copy of Form 477?

No; see Section IV of Instructions concerning methods of filing completed Form 477s, in electronic format. Filers are encouraged to file completed Form 477s as attachments to one or more e-mail messages sent to an address established uniquely for this purpose (FCC477@fcc.gov). In very limited situations, the Commission may accept paper filings where a party has received prior permission. For example, if a provider does not have a

computer or spreadsheet software, the provider may contact the Industry Analysis Division, Common Carrier Bureau, at (202) 418-0940, for guidance.

9. Does an entire filing have to be made in electronic format; specifically, lists of Zip Codes?

Yes; see FAQ #8. With respect specifically to lists of Zip Codes in which customers are located, which a provider may be required to report in Part V of Form 477: Such data generally will exist in electronic format in a database used to generate customer bills. A list can be generated within the billing database that “imports” to an Excel 97 spreadsheet, from which it can be cut-and-pasted into the electronic spreadsheet that constitutes Form 477. We expect that providers with extensive geographic operations, as well as many other providers, will have software with such capability.

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Holding companies, affiliates, joint ventures, partnerships, operating divisions

10. Does nationality of a holding company affect the requirement to file Form 477?

No.

11. Which entity is responsible for filing Form 477 if a change of control has occurred?

The successor entity is responsible if there has been a change of control between a data collection date (e.g., December 31, 2001) and the filing date (e.g., March 1, 2002) for that data.

12. How should I count lines or subscribers served by my affiliates (including joint ventures, partnerships, etc.) in determining whether I meet the threshold for filing Form 477?

To determine if you meet a particular reporting threshold in Form 477 – i.e., for Part I (separately), Part II (separately), or Part III (separately) – include in your calculations the lines in service of all commonly-owned or commonly-controlled affiliates. For joint ventures, each owner must include in its calculations all lines in service provided by the jointly owned or controlled entity. Do not apportion lines in service among owners. Therefore, the lines in service provided by joint ventures will be counted multiple times when calculating thresholds. NOTE: this methodology is appropriate for calculating reporting thresholds – only. See FAQ #13 for how to report lines in such circumstances.

13. If my company, together with its affiliates (including joint ventures, partnerships, etc.) meets a reporting threshold for one or more parts of Form 477, how do we avoid double counting lines or subscribers when we file?

If you and your affiliate(s) meet a reporting threshold (see FAQ #12), you may choose to include your affiliate's total lines in service in your Form 477 filing, your affiliate may make its own filing of Form 477 to report its total lines in service, or another party with an ownership interest in your affiliate may include the affiliate's total lines in its own Form 477 filing. However, if the lines in service by a joint venture or other jointly-owned affiliate are included in your Form 477 filing, they may not be included in any other Form 477 that is filed with the Commission. Under no circumstances should a joint venture's lines in service be reported in multiple filings of Form 477. If your joint venture or other jointly-owned affiliate files its own, separate Form 477, it should identify itself with one – and only one – of its owners, which is done by reporting that owner's designated holding company name in Line 5 of the Cover Page of Form 477.

14. If my firm is a partner in a mobile telephony partnership and the operator of the partnership files a Form 477 to report subscribers served by the partnership, do I also have to file a Form 477 to report all or a portion of the partnership's subscribers?

No. The partnership's mobile telephony subscribers (i.e., activated, revenue-generating handsets) should be reported only once, and by a single entity. The partnership's subscribers should not be apportioned among owners of the partnership. Because the operator of the partnership is reporting, you should not include the partnership's subscribers in any Form 477 that you file to report mobile telephony subscribers. Note, however: You must include all of the partnership's mobile telephony subscribers when you determine if you meet the threshold for being required to submit a completed Part III of Form 477. (See FAQ #12). If you meet that reporting threshold, and if you serve any mobile telephony subscribers that are not reported by one or your partners or by the operator of a partnership, you must file a Form 477 to report those lines.

15. I have both ILEC and CLEC operations in a state. How do I determine their filing status, and how should I report their telephone lines in service?

You must file Part II of Form 477 for a state if the number of voice-grade equivalent local voice telephone service lines provided by your ILEC operations in that state *plus* the number of such lines provided by your CLEC operations in that state is at least 10,000. (You should use the sum of entries in column (a) of Line D.II-7 to make this determination.) When you report your data, however, you will file a Form 477 containing your ILEC data and a separate Form 477 containing your CLEC information.

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Internet Service Providers

16. Do Internet Service Providers (ISPs) have to file Form 477?

Internet Service Providers generally do not have to file Form 477. An ISP is required to file Form 477 only if it is, itself, a facilities-based provider of broadband service – that is, only if it leases or otherwise obtains a line or wireless channel and adds to it the hardware or software that is necessary to transmit information over that line at broadband speed (i.e., over 200 Kbps in at least one direction, for purposes of Form 477). For example, an ISP that purchases broadband service (e.g., DSL or cable modem service) and incorporates it into its own Internet access service offering is not required to file Form 477. If, however, the ISP is purchasing that broadband service from an affiliate who provides the service over its own facilities, that affiliate is required to file Form 477 for any state in which it provides at least 250 such broadband lines. See FAQ #23 regarding the definition of “own facilities.”

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Cable TV service providers

17. Should providers of traditional cable TV services file Form 477?

No, if you provide only traditional cable TV service you should not file Form 477. (See “Exclude” paragraph in section III.B. of Instructions.)

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Cable modem service providers

18. Should I report only *actual* cable modem service subscribers, or should I report all cable TV service subscribers to whom I am *capable* of providing cable modem service?

Report in Part I of Form 477 only actual (i.e., in-service) subscribers to cable modem service with a speed greater than 200 Kbps in at least one direction. Also, use actual subscribers to determine if you meet the threshold for having to complete Part I.

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Satellite service providers

19. Should satellite services that transmit information to end users at rates greater than 200 Kbps in at least one direction be reported?

The newer one-way and two-way satellite services designed to offer primarily residential consumers Internet connectivity should be reported as they go into service and otherwise meet the reporting criteria (e.g., at least 250 subscriber terminals in service in a particular state).

With respect to VSAT services, we note that these services were introduced a number of years prior to enactment of the 1996 Act and were initially deployed in corporate and other private, defined-use networks. Such services should be reported only to the extent that a particular end-user terminal allows an end-user to connect to the public Internet (at a rate greater than 200 Kbps in at least one direction) on demand, e.g., without advance scheduling. Absent such enabled, in-service capability, an end-user terminal deployed in a corporate network, “intranet”, or “extranet” connecting a defined set of entities, such as affiliates, franchisees, contractors, or suppliers, should not be reported.

Additionally, when a VSAT end-user with enabled, in-service connectivity to the public Internet, as described above, has a satellite terminal that also connects the end user to a corporate network, intranet, or extranet, that terminal should be considered to serve a large business customer (i.e., it should not be included in the percentage residential/small business reported in column (b) of Line A.I-5).

Zip Codes listed in Part V should be the locations of the end-user terminals that are reported.

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Reporting mobile telephony subscribers

20. Where do mobile wireless providers report their use of broadband PCS spectrum, in Part I or in Part III of Form 477?

The answer to the question depends on what specifically the mobile wireless provider is reporting, i.e., information regarding local competition or broadband services. If a facilities-based mobile provider is using its spectrum license(s) to provide real-time, two-way switched voice service (as defined in the Report and Order and noted at page 2 of Instructions), then it should report such local competition information in Part III of Form 477. The Commission believes that even the limited data requested in Part III would enhance its understanding of the developing potential of mobile telephony as a substitute for wireline local service. We note, however, if a facilities-based mobile provider is using its spectrum license(s) to provide broadband services (as defined in the Report and Order, and noted at page 3 of Instructions), it must report the number of such subscribers, by state, in Part I of Form 477.

21. How should a mobile wireless provider report mobile telephony subscribers when a business customer purchases the service for use by a number of its employees?

Count as one subscriber each activated, revenue-generating mobile handset, car-phone, or other voice unit that is billed to the business customer. (See section III.D. of the Instructions.) Include the total number of these units in your report for the state that appears in the business customer’s billing address.

22. How should providers of prepaid mobile telephony services report those customers?

As noted in the Report and Order, we are aware that providers of mobile telephony services may not have billing address information for their prepaid subscribers. The Commission therefore directed mobile providers to make good faith estimates of the geographic location of such subscribers by state. We anticipate that providers offering prepaid mobile telephony services might look to their in-house marketing information to determine how to allocate their total prepaid subscribers among the states where they offer such services. In the absence of this type of information, the Commission would accept an equal split among the states where such services are offered.

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“Facilities-based” versus “own facilities”

23. What is “facilities-based” provisioning of a line and how does this differ from provisioning a line over one’s “own facilities”?

“Own facilities,” for purposes of Form 477, includes wired and fixed wireless “local loop” facilities connecting to the end user’s premises that you (note: “you” includes affiliates) actually own (in the case of wired systems), that you provide using spectrum licenses that you hold or manage (in the case of fixed wireless systems), and also such facilities that you obtain the right to use as dark fiber or satellite transponder capacity (and that you use as part of your own system). In the case of mobile local telephone service providers, “own facilities” refers to spectrum licenses that you hold or manage.

Note for filers of Part II (wireline and fixed wireless local telephone) data: Report a line in column (c) of part II *only* if the local loop connecting to the end user’s premises is your “own facilities” (as just discussed) ; *do not* report in column (c) of Part II end-user lines provisioned over UNE loops that you obtained from an unaffiliated carrier, irrespective of whether you provided switching for that line.

The term “facilities-based” is more inclusive than the term “own facilities” in the context of Form 477. In particular, in Part I, “facilities-based” broadband lines include any broadband lines that you provide over your “own facilities” (as just discussed) but it also includes any broadband lines that you provide by leasing UNE loops or other lines from unaffiliated service providers and adding to those lines the hardware or software necessary to convert them into broadband lines. (See page 3 of Instructions for the definition of “broadband” in the context of Form 477.) Thus, for example, if you lease a UNE loop from an unaffiliated carrier and place equipment on the loop that enables it to be used as a broadband line, then you are the “facilities-based” provider of that line (and you report that line in column (a) of Part I if you meet the reporting threshold for Part I) – but that line is *not* provided over your “own facilities” (so you do not include that line in the percent of broadband lines and wireless channels provided over your own facilities that you report in column (c) of Part I).

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Estimating data

24. What if a provider has no basis for making an estimate specified in Form 477?

Because providers may not collect data in a manner that precisely fits a particular percentage breakout (of lines in service, or of subscribers) requested in Form 477, the Instructions allow such providers to make good faith estimates (i.e., estimates accurate within plus or minus five percentage points) based on the databases that are maintained in the usual course of business or on studies done for other business purposes, such as marketing and business plans, demographic data, etc. (See, e.g., page 4 of Instructions, “Note about Reporting Percentage Breakouts.”) If these sources of information are insufficient, a provider should analyze a sufficiently large sample of its customer accounts or its other accounts to determine the relationship between the requested estimate and the data that the provider does have or can easily obtain in the usual course of business.

25. Which local voice telephone lines should be considered residential and small business lines?

Lines provided to customers who purchase fewer than four voice-grade equivalent local voice telephone lines should be considered residential and small business lines. If voice-grade equivalent counts by customer are not available, then the percentage of customers with fewer than four voice-grade equivalent local voice telephone lines should be estimated based, first, upon tariff information contained in billing records, if available, and then, if needed, upon demographic information.

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Determining when to report data for a state

26. My firm has at least 250 DSL lines in service in one state, but the speed in the “fastest” direction is 128 Kbps or less for most of these lines. Where do I report these lines?

Do not report these lines. These lines are not being used for local voice telephone service, so they are not reported in Part II of Form 477. Because their “fastest” speed in any direction is not over 200 Kbps, they are not reported in Part I of Form 477. Also, you do not consider these lines when you determine whether you meet the threshold for completing Part I, or Part II.

27. My firm meets the threshold to report local voice telephone service lines in State #1, and we have a very few such lines across the border in State #2. Are we required to complete a Form 477 for State #2, or can those lines be included in our report for State #1?

No, and no. You are not required to report lines in State #2 if you have fewer than 10,000 voice-grade equivalent lines in State #2. The reporting thresholds – for Part I of Form 477 (separately), for Part II of Form 477 (separately), and for Part III of Form 477 (separately) – apply on a state-by-state basis. In these circumstances, you should report only lines that are in service in State #1.

28. If I have, in a given state, 6,000 local exchange lines and 5,000 mobile telephony subscribers, for a total of 11,000, must I file a Form 477 for that state?

No. Under these circumstances, you are not required to file a Form 477 because you do not meet the threshold for having to report local voice telephone service lines in Part II (i.e., 10,000 voice-grade equivalent lines) and you do not meet the threshold for having to report mobile telephony subscribers in Part III (i.e., 10,000 revenue-generating handsets).

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Reporting private lines

29. Should I report lines I provide that are used in a corporate or other private, defined-use network?

No, do not report such lines in Form 477. If you are uncertain whether a line you provided under a private line tariff or a special access tariff is part of an end-user private or defined-use network, see FAQ # 30.

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Determining when, and how, to report a line in Part I *versus* section C of Part II

30. What should I do if I provide a line between an end user and another provider and I do not know how the line is provisioned? That is, I do not know whether the line is used to provide local exchange service, broadband service, or is used as part of an end-user private or defined-use network.

If you provide a line under a special access tariff that connects an end user to another provider and you cannot reasonably judge how the line is being used (e.g., to carry voice traffic; for high-speed access to the Internet or other public data network; as part of an end-user private or defined-use network) by reference to your business databases, or by using in-house product design, marketing, or other information, then report the line in Part II, Line C.II-6 of Form 477. Similarly, if you provide a line under a private line tariff that connects an end user to another provider and you cannot reasonably judge how that line is being used, then report the line in Part II, Line C.II-6.

31. Should I report a broadband line that I provide to an end user under a special access tariff in Part II, Line C.II-6 of Form 477?

No. Do not report in Part II lines that you provide as broadband lines (i.e., that connect the end user to the Internet or another public data network). If you are the facilities-based provider of a broadband line, you should report that line in Part I.

32. How should I count lines in Part II, Section C of Form 477?

In Part II, Section C, report numbers of lines and wireless channels – not numbers of voice-grade equivalent lines and wireless channels. For example, if you report in Part II,

Section C a DS1 line that connects an end user to another carrier, report that DS1 as 1 (one) line – not as 24 voice-grade equivalents. (Note, however, that if you know a DS1 line is “channelized” so that the end user can use it for voice-grade local telephone service, it should be reported (as 24 voice-grade equivalents) in Part II, Section A or Part II, Section B – not in Part II, Section C. Also note that if you know a DS1 line connects an end user to the Internet or another public data network, it should be reported in Part I – as 1 (one) line.)

33. Should I include the lines reported in Part II, Section C when I determine whether I meet the reporting threshold for filing Part II of Form 477?

No. You must file Part II of Form 477 if the number of voice-grade equivalent lines (and fixed wireless channels) as specifically calculated in column (a) of Line D.II-7 is at least 10,000. Lines reported in Part II, Section C are not included in this calculation.

34. My firm leases special access lines from other carriers that we use to provide 800 service and similar toll-free calling services to our own end-user customers. Should we report those special access lines in Part II, Section C of Form 477?

No, in these circumstances you do not report on Form 477 the special access lines that you obtain from other carriers. You are providing your end-user customer with a toll service that you charge for on a volume sensitive basis (possibly with some non-recurring or per-month charges). You are not, however, charging your end-user customer for a special access line as such.

35. If I lease an unbundled network element (UNE) loop from another carrier should I report that line in Line C.II-4 or Line C.II-5 of Part II?

No. Part II, Section C, Lines C.II-4 and C.II-5 measure loops that you lease to other carriers as UNEs. By contrast, if you provide a local voice telephone line using a UNE loop that you lease from another carrier, then you should report that line in Part II, Section A or Part II, Section B (but not both) and also in the total calculated in Line II.D-7. You should also consider that line as provided over a UNE loop when reporting the percent of voice-grade equivalent lines and wireless channels provided over UNE loops in column (d) of Part II, Section A or Section B. Similarly, if you provide a (non-broadband) special access or private line using a UNE loop that you lease from another carrier, then you should report that line in Part II, Section C, Line C.II-6. You should consider that line as provided over a UNE loop when reporting the percent of lines (or fixed wireless channels) provided over UNE loops in column (d). But, if you provide a broadband line using a UNE loop that you lease from another carrier, you should report that line in Part I.

36. If I lease a UNE subloop from another carrier that I use to provide voice telephone service, should I report it as a line provided over my own facilities (in column (c) of A.II-1) or as a line provided over a UNE loop (in column (d) of A.II-1)?

It depends. If you are leasing a subloop UNE from another carrier and that subloop UNE is on the network side of the loop demarcation point at your end-user customer's premise, include that line only in column (d) of A.II-1. If, however, the only subloop UNE you are leasing from the other carrier is the inside wire subloop UNE at your end-user customer's premise, then include that line only in column (c) because, presumably, you have your own plant out from the point of demarcation at your customer's premise. (Note, however, that if you are providing a subloop UNE to another carrier, you report it – as 1 (one) line – in C.II-4 or in C.II-5, and you report it only if it is a subloop UNE on the network side of the loop demarcation point at the end user's premise. That is, you do not report anywhere on Form 477 an inside wire subloop UNE that you provide to another carrier.)

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Reporting resold lines

37. How are resold lines reported on Form 477?

It depends on what type of lines they are and the part of Form 477 in which you are reporting them.

For broadband lines (Part I), the facilities-based provider (“wholesaler”) of resold broadband lines should report these lines in column (a) [total broadband lines], but should not include these lines in column (d) [percent billed directly to end users]. The reseller (“retailer”) of these broadband lines would not report the resold broadband lines.

For local exchange lines (Part II), each resold line should be reported once by two (unaffiliated) local exchange carriers. The facilities-based provider (“wholesaler”) who provides the local exchange line to an unaffiliated carrier for resale to an end-user consumer should report that line in column (a) of Line B.II-2 or Line B.II-3, and should include the line in the percentage reported in column (c) or (d), as appropriate. (See FAQ #23 regarding reporting a line in column (c) *versus* column (d).) Also, the reseller (“retailer”) of the line to the end-user customer should report the line in column (a) of Line A.II-1, but should not include that line in column (c) or (d) [i.e., percent provided over own facilities or UNEs, respectively].

For mobile telephony lines (Part III), the facilities-based provider (“wholesaler”) of resold lines should report these lines in column (a) [total subscribers], but should not reflect these lines in column (b) [percent billed directly to end users]. The reseller of these lines (“retailer”) would not report the resold mobile telephony service.

38. What is the difference between B.II-2 (Total Service Resale) and B.II-3 (other resale)?

In B.II-2, the phrase "Total Service Resale" refers specifically, and exclusively, to services provided to other communications carriers (for resale to end users) under

arrangements that meet the requirements of section 251(c)(4) and 252(d)(3) of the Communications Act.

All other local voice telephone service lines provided to unaffiliated communications carriers for resale to end users should be reported in B.II-3. For example, we understand that some competitive carriers entered some local exchange markets by purchasing incumbent company Centrex service under retail tariffs (i.e., without benefit of discounts approved by State commissions pursuant to section 252(d)(3)) and reselling that service to their own end-user customers. Any lines provided to unaffiliated communications carriers under these types of arrangements should be reported in B.II-3.

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